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UNION DELEGATION

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Congress of the United States

House of Representatives

Washington, D.C. 20515

Executive Registry

78-5686

OLC #78-2067

May 24, 1978

The Honorable Jimmy Carter
The White House
Washington, D. C. 20500

Dear Mr. President:

In the Washington Post of Sunday, May 21, 1978, an article appeared regarding the recent arrest of two Soviet citizens on espionage charges. A statement in the article was of particular interest to me in that it related to the Foreign Intelligence Surveillance Act (H.R. 7308) which was recently reported out by the House Permanent Select Committee on Intelligence, of which I am a member.

In that article, it was noted: "The United States has microphones lying on the ocean floor constantly tuned to Soviet submarines sailing off American shores. This detection system is so sophisticated that a computer can figure out from the detected sound exactly which submarine is out there." While my only information about the techniques employed in this electronic monitoring comes as a result of my reading this newspaper article, it seems to me that under the proposed legislation--which your Administration strongly supports--a warrant would be required for this operation. After all, the bill applies to all electronic surveillance within the territory of the United States and presumably some of these microphones are located within our territorial limits.

These microphones might very well incidentally intercept the comings and goings of ships not operated by a foreign power--and, indeed, pleasure craft of our own American citizens. Some might even perceive this as actually a veiled attempt to gather information about corporate executives making use of the tax deductible company yacht for non-business purposes.

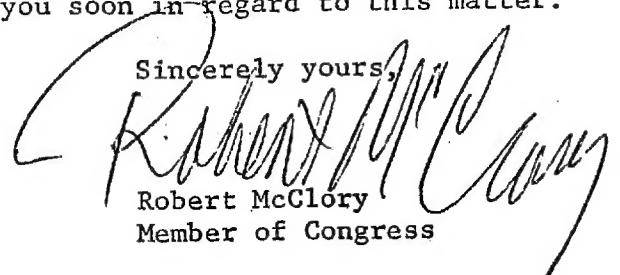
On the other hand, any genuine effort to impose a warrant requirement in order to utilize the oceanic submarine detection system makes little sense when related to our national security. I would hope you would

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want to expressly exempt such foreign intelligence electronic surveillance from the provisions of the measure now pending in the House.

I hope to hear from you soon in regard to this matter.

Sincerely yours,


Robert McClory
Member of Congress

RMcC:igj

UNCLASSIFIED	CONFIDENTIAL	SECRET
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EXECUTIVE SECRETARIAT

Routing Slip

OK

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	DD/RM				
4	DD/NFA				
5	DD/CT				
6	DD/A				
7	DD/O				
8	DD/S&T				
9	GC		✓		
10	LC	✓			
11	IG	✓			
12	Compt				
13	PA				
14	D/EEO				
15	D/Pers				
16	AO/DCI				
17	C/IPS				
18	DCI/SS				
19					
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21					
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	SUSPENSE DATE:	9 June 78			

Remarks:

To 10: Please prepare response for DCI signature in anticipation that the White House will refer this to us for action.